

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SAVY SINN AND HUY SOENG TAING, W/H
4724 D. Street
Philadelphia, PA 19120

Plaintiffs

vs.

DUKANE CORPORATION
2900 Dukane Drive
St. Charles, IL 60174

Defendant

DOCKET NO. _____

JURY TRIAL DEMANDED

CIVIL ACTION COMPLAINT

1. Plaintiffs Savy Sinn and Huy Soeng Taing, W/H, are adult individuals and citizens and residents of the Commonwealth of Pennsylvania, residing at 4724 D. Street, Philadelphia, PA 19120. The plaintiffs are citizens of Pennsylvania for purposes of diversity jurisdiction.

2. Defendant Dukane Corporation (“Dukane”) is an Illinois corporation with corporate headquarters and principal place of business located at 2900 Dukane Drive, St. Charles, IL 60174. The defendant is a citizen of Illinois for purposes of diversity jurisdiction.

3. Diversity jurisdiction exists pursuant to 28 U.S.C. § 1332.

4. The amount in controversy exceeds \$150,000.00 exclusive of interests and costs.

5. Venue exists pursuant to 28 U.S.C. § 1391(a), (c) because defendant is subject to personal jurisdiction in this district.

6. On or about October 2, 2010, plaintiff Savy Sinn was in the course of her employment as a Machine Operator for LM Management Services, Inc. placed at FPI topcraft, 301 Ivyland Road, Warminster, PA 18974 operating a Dukane Sonic Welder, believed to be Model 2120 when the machine malfunctioned/improperly cycled, causing the plaintiff's dominant right hand to be crushed, resulting in serious and permanent bodily injuries, including, but not limited to, multiple fractures of her right hand and fingers which required open reduction and internal fixation.

7. The accident occurred because the Dukane Sonic Welder malfunctioned.

8. The accident was caused exclusively by the defective nature of the Sonic Welder and defendant's negligence, and was due in no manner by any negligence on the part of the plaintiff, Savy Sinn.

9. Defendant's Sonic Welder was defective and unsafe for its intended use.

10. Defendant was negligent in making and distributing a defectively manufactured and designed Sonic Welder, which had defective warnings, instructions for use, and consumer safety features.

11. Defendant's negligence caused plaintiff Savy Sinn's injuries.

12. The Sonic Welder was distributed and sold in a defective condition in violation of Restatement (Second) of Torts § 402(A).

13. The Sonic Welder's defects were the cause of Savy Sinn's injuries.

14. Defendant designed, manufactured, distributed and sold its Sonic Welder with defective warnings and instructions in violation of Restatement (Second) of Torts § 402(B).

15. The defective warnings and instructions caused Savy Sinn's injuries.

16. Defendant violated its implied and express warranties to plaintiff by designing, manufacturing, distributing and selling defectively manufactured and/or designed its Sonic Welder containing defective warnings and instructions.

17. Defendant's breach of its implied and express warranties was a cause of plaintiff Savy Sinn's harm.

18. Huy Soeng Taing is the husband of Savy Sinn.

19. As a result of the accident, plaintiff Huy Soeng Taing suffered the loss of the consortium, society and affection of his wife, Savy Sinn.

WHEREFORE, Plaintiffs Savy Sinn and Huy Soeng Taing demand judgment against defendant, jointly and severally, and demand the court award compensatory damages in an amount in excess of \$150,000.00, plus interests and costs.

JURY TRIAL DEMAND

Plaintiffs demand a jury trial of all claims and issues.

Respectfully submitted,

SWARTZ CULLETON PC

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